

ADVERSARY PROCEEDING COVER SHEET

ADVERSARY PROCEEDING NUMBER
(Court use only)

PLAINTIFFS

DEFENDANTS

Moshtaba Vedad

DT Credit Company, LLC

ATTORNEYS(Firm Name, Address and Telephone No.)

ATTORNEYS(If Known)

Ann U. Bell, District ID#10372

Drose Law Firm (843) 767-8888

3955 Faber Place Dr., Ste. 103

Charleston, SC 29405-8565

PARTY (Check one box only) 1. U.S. Plaintiff 2. U.S. Defendant 3. U.S. Not a Party

CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)

Core Proceeding pursuant to 28 U.S.C. Sec. 157(b)(2)(K) regarding the violation of the discharge injunction.

NATURE OF SUIT

(Check the one most appropriate box only)

- 454 To recover money or property 455 To revoke an order of confirmation 456 To obtain a declaratory judgment relating to
 435 To determine validity, priority, or of a Chap. 11 or Chap. 13 Plan any of foregoing causes of action
extent of a lien or other interest in 426 To determine the dischargeability 459 To determine a claim or cause of action
property of a debt 11 U.S.C. §523 removed to a bankruptcy court
 458 To obtain approval for the sale of 434 To obtain an injunction or other 498 Other (specify) **Sec. 524 To determine the
both the interest of the estate and equitable relief violation of the discharge injunction**
of a co-owner in property
 424 To object to or revoke a discharge 457 To subordinate any allowed claim or
11 U.S.C. §727 interest

ORIGIN OF 1. Original 2. Removed 4. Transferred 5. Reinstated
PROCEEDINGS Proceeding Proceeding to another or reopened Check if this is
Bankruptcy Court a class action under FRCP 23

DEMAND NEAREST THOUSAND OTHER RELIEF SOUGHT JURY DEMAND
\$ To Be Determined DECLARATORY JUDGMENT
RE: Discharge Violation

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES

NAME OF DEBTOR(S) BANKRUPTCY CASE NO.
Moshtaba Vedad 14-06289

DISTRICT IN WHICH CASE IS PENDING DIVISIONAL OFFICE NAME OF JUDGE
South Carolina John E. Waites

RELATED ADVERSARY PROCEEDING (IF ANY)

PLAINTIFF DEFENDANT ADVERSARY PROCEEDING NO.

DISTRICT DIVISIONAL OFFICE NAME OF JUDGE

FILING FEE (Check one box only) Fee Attached Fee Not Required Fee is Deferred

DATE PRINT NAME OF ATTORNEY SIGNATURE OF ATTORNEY
April 1, 2019 ANN U. BELL /s/ Ann U. Bell

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:)
)
MOSHTABA VEDAD,) Bankruptcy Case No. 14-06289
) Chapter 13
Debtor,)

MOSHTABA VEDAD)
) Adversary Case No.
Plaintiff,)
)
vs.) COMPLAINT
)
DT CREDIT COMPANY, LLC,)
)
Defendant.)
)

Plaintiff, Moshtaba Vedad, would respectfully allege as follows:

1. Plaintiff filed a chapter 13 action on November 4, 2014, listing Defendant, Drive Time, as an interested party and notice was duly provided this entity.
2. Defendant filed a timely Proof of Claim on January 22, 2015, in the amount of \$17,439.63, secured by a 2006 BMW 325i, VIN # WBAVB16546KX44594. Plaintiff's amended plan was confirmed by order of the bankruptcy court entered on April 24, 2018. During Plaintiff's bankruptcy, the trustee paid the value of Defendant's secured claim in full as stated in the confirmed plan, together with interest, as required under the plan. An Order discharging the Plaintiff was entered December 27, 2018.
3. After the discharge was issued, Plaintiffs requested the title from Defendant via a letter dated February 25, 2019, but said title was not forthcoming.
4. Plaintiff's counsel sent Defendant a certified letter dated March 15, 2019 requesting the title, and the return receipt was received indicating a that the letter was received March 19, 2019 and said title was not forthcoming.
5. Neither the title, nor a release of lien, has been forthcoming from Defendant.
6. This court has jurisdiction of this matter under 28 U.S.C. §1334. This is a core proceeding under 28 U.S.C. §157. Venue is appropriate under 28 U.S.C. §1409.
7. Plaintiffs' Chapter 13 plan contains the following Court-approved standard language: "Secured creditors paid the full secured claim provided for by this plan shall timely satisfy any liens

in the manner required by applicable law or order of this Court.” Plaintiff believes that Defendant has violated this obligation imposed upon it by the Court and its continued failure to comply represents an ongoing violation thereof.

8. Plaintiff believes that the actions of Defendant constitute a violation of the discharge injunction of 11 U.S.C. §524. Plaintiff further believes that under 11 U.S.C. §105 this court has power to issue an order for Defendant’s contempt which necessitated this chain of events, causing Plaintiff emotional distress, unnecessary costs, attorney’s fees and damages.

WHEREFORE, Plaintiff would ask this court to fashion a remedy which this court believes to be fair and equitable.

DROSE LAW FIRM

Charleston, South Carolina
Dated: April 1, 2019

BY: /s/Ann U. Bell
Ann U. Bell
District Court I.D. #10372
Attorneys for Plaintiff
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